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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DARREL R. ESCALANTI,

Petitioner,

vs.

BRIAN E. WILLIAMS, *et al.*,

Respondents.

Case No. 2:14-cv-01212-JCM-CWH

ORDER

This is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner.

Neither a filing fee nor an application to proceed *in forma pauperis* was submitted with the petition. When filing an action pursuant to 28 U.S.C. § 2254, a petitioner must either submit the \$5.00 filing fee for habeas petitions or an application to proceed *in forma pauperis*.

Due to the lack of an *in forma pauperis* application or filing fee, the present action will be dismissed without prejudice to the filing of a new petition in a new action with a pauper application with all required attachments. It does not appear from the papers presented that a dismissal without prejudice would result in a promptly-filed new petition being untimely. In this regard, plaintiff at all times remains responsible for calculating the running of the limitations period as applied to his case and properly commencing a timely-filed habeas corpus action.

IT IS FURTHER ORDERED that the clerk of the court shall send petitioner two copies of an *in forma pauperis* application form for a prisoner, one copy of the instructions for the same, two copies of a blank 28 U.S.C. § 2254 habeas petition form, and one copy of instructions for the same. The clerk shall also send petitioner a copy of the petition submitted at ECF No. 1.

IT IS FURTHER ORDERED that the clerk of the court shall enter judgment accordingly.

James C. Mahan
UNITED STATES DISTRICT JUDGE